

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6023 CIV HURLEY

R/S ASSOCIATES, a Florida
Limited Partnership and
DAN SHOOSTER

Plaintiff

vs.

ROBERT YARI and FORUM
ARLINGTON PROPERTIES, LTD. AND
ALLIANCE COMMERCIAL MANAGEMENT,

Defendants

COUNTERDEFENDANTS'
R/S ASSOCIATES AND DAN SHOOSTER'S
ANSWER AND AFFIRMATIVE DEFENSES TO
COUNTERPLAINTIFFS' COUNTERCLAIM

COME NOW the Counterdefendants R/ S Associates, a Florida Limited Partnership and Dan Shooster (hereinafter "Counterdefendants"), by and through their undersigned counsel and for their Answer and Affirmative Defenses to Counterplaintiffs' Counterclaim would state as follows:

1. Counterdefendants admit the allegations contained in paragraphs number 5, 7, 8, 11, 19, 30 and 34 of Counterplaintiffs' Counterclaim.
2. Counterdefendants deny the allegations contained in paragraphs 6, 9, 10, 12, 14, 15, 17, 18, 21, 22, 23, 25, 26, 27, 28, 32, 36, 37, 41, 42, 43, 46, 47, 48, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60 of Counterplaintiffs' Counterclaims, and Counterdefendants deny each and every allegation of Counterplaintiffs' Counterclaim not specifically addressed herein.
3. Counterdefendants neither admit nor deny the allegations contained in paragraphs 1,

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until May 1, 2000, thus Counterplaintiffs' Counterclaims for Breach of Contract is barred by the Statute of Limitations.

FAILURE OF CONSIDERATION

15. Counterplaintiffs' Counterclaims are barred in that Counterplaintiffs did not provide any consideration to Counterdefendants which would serve as the basis to enforce any alleged agreements between Counterplaintiffs and Counterdefendants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing has been forwarded via facsimile and first class mail to Elaine Johnson James, Esquire, 1645 Palm Beach Lakes Boulevard, Suite 1200, West Palm Beach, Fl 33401 this 10 day of May, 2000.

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